

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES EMERSON,

Plaintiff,

v.

KETTLE FALLS INTERNATIONAL
RAILWAY, LLC, and OMNITRAX,
INC.,

Defendants.

NO: 11-CV-0478-TOR

ORDER GRANTING DEFENDANTS'
NOTICE TO WITHDRAW RULE
12(b)(1) MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER
JURISDICTION AS TO PLAINTIFF'S
REMAINING STATE LAW CLAIMS

BEFORE THE COURT is Defendants' Notice of Withdrawal of
Defendants' Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter
Jurisdiction as to Plaintiff's Remaining State Law Claims (ECF No. 30). The
Court construes this notice as a motion to withdraw for the purpose of docket
management. The motion was heard without oral argument.

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ORDER GRANTING DEFENDANTS' NOTICE TO WITHDRAW RULE
12(b)(1) MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION AS TO PLAINTIFF'S REMAINING STATE
LAW CLAIMS ~ 1

1 BACKGROUND

2 On June 19, 2012, the Court entered an Order dismissing Plaintiff's FELA
3 cause of action (ECF No. 25). Defendants' Rule 12(b)(1) Motion to Dismiss for
4 Lack of Subject Matter Jurisdiction (ECF No. 5) was held in abeyance pending
5 further discovery. The Order further directed Defendants to inform the Court
6 whether the pending motion to dismiss should be withdrawn or scheduled for
7 hearing.

8 On August 2, 2012, Defendants filed a notice with the Court withdrawing
9 their Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction as to
10 Plaintiff's Remaining State Law Claims (ECF No. 5).

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 1. Defendants' Notice of Withdrawal of Defendants' Rule 12(b)(1) Motion
13 to Dismiss for Lack of Subject Matter Jurisdiction as to Plaintiff's Remaining State
14 Law Claims (ECF No. 30) is **GRANTED**.

15 2. Defendants' Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter

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ORDER GRANTING DEFENDANTS' NOTICE TO WITHDRAW RULE
12(b)(1) MOTION TO DIMISS FOR LACK OF SUBJECT MATTER
JURISDICTION AS TO PLAINTIFF'S REMAINING STATE
LAW CLAIMS ~ 2

1 Jurisdiction as to Plaintiff's Remaining State Law Claims (ECF No. 5) is

2 **WITHDRAWN.**

3 The District Court Executive is hereby directed to enter this Order and
4 provide copies to counsel.

5 **DATED** this 21ST day of August, 2012.

6 *s/ Thomas O. Rice*

7 THOMAS O. RICE
8 United States District Judge
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ORDER GRANTING DEFENDANTS' NOTICE TO WITHDRAW RULE
12(b)(1) MOTION TO DIMISS FOR LACK OF SUBJECT MATTER
JURISDICTION AS TO PLAINTIFF'S REMAINING STATE
LAW CLAIMS ~ 3